

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Criminal Miscellaneous Application No.D-06 of 2025
(Muhammad Hassan Tallani Vs. The State & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:
Mr. Justice Shamsuddin Abbasi,
Mr. Justice Ali Haider 'Ada'

- 01. For orders on office objection.
- 02. For hearing of M.A.No.4048/2025 (S/A)
- 03. For hearing of main case.

Date of Hearing : 30.09.2025.
Date of Decision : 30.09.2025.

Mr. Muhammad Ibrahim Lashari, Advocate for applicant.
Mr. Aitbar Ali Bullo, D.P.G for the State.
Nemo for rest of the respondents.

ORDER

Ali Haider 'Ada', J:- The applicant, being the complainant of FIR No. 51 of 2025 registered at Police Station Airport, Jacobabad, for offences punishable under Sections 324, 353, 147, 148, and 504, PPC read with Section 6/7 of the Anti-Terrorism Act, 1997, lodged FIR. The facts of the FIR are that two rival parties, approached the Police Station while armed with lathis and bricks and started fighting inside the premises. During the course of this incident, when the complainant, who was performing his lawful duty at the Police Station, attempted to rescue and control the situation, he was attacked and received injuries at the hands of the accused persons. Thereafter, the accused managed to flee from the spot. Subsequently, other police personnel rescued the complainant, who, after receiving medical treatment, lodged the present FIR on 04.08.2025 at about 1730 hours, whereas the incident had occurred on the same day at about 1430 hours.

The matter was placed before the learned Special Judge, Anti-Terrorism Court, Shikarpur, who, vide order dated 05.08.2025, returned the FIR with direction that as the provisions of Section 6/7 of the Anti-Terrorism Act, 1997, are not attracted in the circumstances of the case, the same may be submitted before the ordinary Court of competent jurisdiction.

Learned counsel for the applicant submits that the learned trial Court, while passing the impugned order, disposed of the matter in a few lines only, thereby undermining the material available on record. According to him, the order is not a speaking one and, therefore, is liable to be set aside with a direction to the learned trial Court to pass a proper speaking order after considering the facts and law involved.

Conversely, the learned Deputy Prosecutor General does not oppose the contention of learned counsel for the applicant to the extent that the learned Special Judge, Anti-Terrorism Court, Shikarpur, may be directed to pass a speaking order after examining the material available on record as well as the relevant provisions of law.

Heard arguments and perused the material available on the record.

From the bare reading of the FIR, it transpires that the case was registered under Sections 324, 353, 147, 148, and 504, PPC read with Section 6/7 of the Anti-Terrorism Act, 1997. The place of occurrence is shown as the Police Station itself, where the complainant, while performing his lawful duty, sustained injuries. The medical record further reflects that the complainant was referred by the Medical Officer to Liaquat National Hospital, Karachi, owing to an injury on his left eye caused by the accused party. Despite subsequent surgery, the eyesight of the complainant did not improve and the injury was declared as *Itlaf-i-Salahiyyat-i-Udw*. This fact also stands affirmed through a statement filed by ASI Sadaruddin Magsi on behalf of the Investigating Officer and SHO, Police Station Airport, Jacobabad. Such aspects and material are of pivotal importance and must be examined in order to determine the proper jurisdictional course of the matter. Failure to pass a judicious and speaking order in light of these facts may render the proceedings as *coram non judice*.

Section 6(2)(n) of the Anti-Terrorism Act, 1997, explicitly provides that an act shall fall within the ambit of terrorism if it involves serious violence against a member of the police force, armed forces, civil armed forces, or any public servant. In these circumstances, it was incumbent upon the learned trial Court to record reasons by applying its judicious mind in light of the statutory provisions while deciding the issue of jurisdiction. However, a bare perusal of

the impugned order shows that such consideration is lacking, thereby rendering the order unsustainable.

Keeping in view the aforesaid facts and circumstances, the impugned order dated 05.08.2025, passed by the learned Special Judge, Anti-Terrorism Court, Shikarpur, in Crime No. 51 of 2025 of Police Station Airport, Jacobabad, is hereby set aside. The matter is remanded to the learned Special Judge, Anti-Terrorism Court, Shikarpur, with a direction to pass a speaking and well-reasoned order after considering the entire material available on record as well as the relevant provisions of law.

Accordingly, the instant Criminal Miscellaneous Application stands disposed of in the above terms, alongwith listed application.

JUDGE

JUDGE